

I certify that the attached is a true and correct copy of HB 2256 which was filed of record on MAR 09 1989 and referred to the committee on:

1989 MAR 22 PM 12:05

HOUSE OF REPRESENTATIVES

Insurance

FILED MAR 09 1989

Betty Murray

Chief Clerk of the House

By *Wentworth*

H.B. No. 2256

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the inclusion of the services of certain audiologists,
3 speech-language pathologists, and fitters and dispensers of hearing
4 aids in health insurance coverage.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Subsection (B), Section 2, Chapter 397, Acts of
7 the 54th Legislature, 1955 (Article 3.70-2, Vernon's Texas
8 Insurance Code), as amended by Chapters 706 and 875, Acts of the
9 70th Legislature, Regular Session, 1987, is amended to read as
10 follows:

11 (B) No policy of accident and sickness insurance shall make
12 benefits contingent upon treatment or examination by a particular
13 practitioner or by particular practitioners of the healing arts
14 hereinafter designated unless such policy contains a provision
15 designating the practitioner or practitioners who will be
16 recognized by the insurer and those who will not be recognized by
17 the insurer. Such provision may be located in the "Exceptions" or
18 "Exceptions and Reductions" provisions, or elsewhere in the policy,
19 or by endorsement attached to the policy, at the insurer's option.
20 In designating the practitioners who will and will not be
21 recognized, such provision shall use the following terms: Doctor
22 of Medicine, Doctor of Osteopathy, Doctor of Dentistry, Doctor of
23 Chiropractic, Doctor of Optometry, Doctor of Podiatry, Audiologist,
24 Speech-language Pathologist, Doctor in Psychology, [and] Certified

1 Social Worker--Advanced Clinical Practitioner, Licensed Dietitian,
2 and Licensed Hearing Aid Fitter and Dispenser.

3 For purposes of this Act, such designations shall have the
4 following meanings:

5 Doctor of Medicine: One licensed by the Texas State Board of
6 Medical Examiners on the basis of the degree "Doctor of Medicine";

7 Doctor of Osteopathy: One licensed by the Texas State Board
8 of Medical Examiners on the basis of the degree of "Doctor of
9 Osteopathy";

10 Doctor of Dentistry: One licensed by the State Board of
11 Dental Examiners;

12 Doctor of Chiropractic: One licensed by the Texas Board of
13 Chiropractic Examiners;

14 Doctor of Optometry: One licensed by the Texas Optometry
15 [State] Board [of-Examiners-in-Optometry];

16 Doctor of Podiatry: One licensed by the State Board of
17 Podiatry Examiners;

18 Audiologist: One with a master's or doctorate degree in
19 audiology from an accredited college or university and who is
20 licensed by the State Committee of Examiners for Speech-Language
21 Pathology and Audiology [certified-by-the-American-Speech-language
22 and-Hearing-Association];

23 Speech-language Pathologist: One with a master's or
24 doctorate degree in speech pathology or speech-language pathology
25 from an accredited college or university and who is licensed by the
26 State Committee of Examiners for Speech-Language Pathology and
27 Audiology [certified--by--the-American-Speech-language-and-Hearing

1 ~~Association~~];

2 Doctor in Psychology: One licensed by the Texas State Board
3 of Examiners of Psychologists and certified as a Health Service
4 Provider; ~~and~~

5 Certified Social Worker--Advanced Clinical Practitioner: One
6 certified by the Texas Department of Human Services ~~Resources~~ as
7 a Certified Social Worker with the order of recognition of Advanced
8 Clinical Practitioner;

9 Licensed Dietitian: One licensed by the Texas State Board of
10 Examiners of Dietitians; and

11 Licensed Hearing Aid Fitter and Dispenser: One licensed by
12 the Texas Board of Examiners in the Fitting and Dispensing of
13 Hearing Aids.

14 SECTION 2. Sections 1 and 3, Article 21.52, Insurance Code,
15 as amended by Chapters 706 and 875, Acts of the 70th Legislature,
16 Regular Session, 1987, are amended to read as follows:

17 Sec. 1. DEFINITIONS. As used in this article:

18 (a) "health insurance policy" means any individual, group,
19 blanket, or franchise insurance policy, insurance agreement, or
20 group hospital service contract, providing benefits for medical or
21 surgical expenses incurred as a result of an accident or sickness;

22 (b) "doctor of podiatric medicine" includes D.P.M.,
23 podiatrist, doctor of surgical chiropody, D.S.C. and chiropodist;

24 (c) "doctor of optometry" includes optometrist, doctor of
25 optometry, and O.D.;

26 (d) "doctor of chiropractic" means a person who is licensed
27 by the Texas Board of Chiropractic Examiners to practice

1 chiropractic;

2 (e) "licensed dentist" means a person who is licensed to
3 practice dentistry by the State Board of Dental Examiners;

4 (f) "audiologist" means a person who has received a master's
5 or doctorate degree in audiology from an accredited college or
6 university and is licensed by the State Committee of Examiners for
7 Speech-Language Pathology and Audiology [~~certified-by-the-American~~
8 ~~Speech-language-and-Hearing-Association~~];

9 (g) "speech-language pathologist" means a person who has
10 received a master's or doctorate degree in speech-language
11 pathology from an accredited college or university and is licensed
12 by the State Committee of Examiners for Speech-Language Pathology
13 and Audiology [~~certified--by--the--American--Speech-language--and~~
14 ~~Hearing--Association--to--restore--speech--loss-or-correct-a-speech~~
15 ~~impairment~~]; [and]

16 (h) "certified social worker--advanced clinical
17 practitioner" means a person who is certified by the Texas
18 Department of Human Services [~~Resources~~] as a certified social
19 worker with the order of recognition of advanced clinical
20 practitioner;

21 (i) "licensed dietitian" means a person who is licensed by
22 the Texas State Board of Examiners of Dietitians; and

23 (j) "licensed hearing aid fitter and dispenser" means a
24 person who is licensed by the Texas Board of Examiners in the
25 Fitting and Dispensing of Hearing Aids.

26 Sec. 3. SELECTION OF PRACTITIONERS. Any person who is
27 issued, who is a party to, or who is a beneficiary under any health

1 insurance policy delivered, renewed, or issued for delivery in this
2 state by any insurance company, association, or organization to
3 which this article applies may select a licensed doctor of
4 podiatric medicine, a licensed dentist, or a doctor of chiropractic
5 to perform the medical or surgical services or procedures scheduled
6 in the policy which fall within the scope of the license of that
7 practitioner, a licensed doctor of optometry to perform the
8 services or procedures scheduled in the policy which fall within
9 the scope of the license of that doctor of optometry, a licensed
10 ~~[an]~~ audiologist to measure hearing for the purpose of determining
11 the presence or extent of a hearing loss and to provide aural
12 rehabilitation services to a person with a hearing loss if those
13 services or procedures are scheduled in the policy, a licensed
14 speech-language pathologist to evaluate speech and language and to
15 provide habilitative and rehabilitative services to restore speech
16 or language loss or to correct a speech or language impairment if
17 those services or procedures are scheduled in the policy, ~~[or]~~ a
18 certified social worker--advanced clinical practitioner to provide
19 the services that fall within the scope of the license of such
20 certified practitioner and which are specified as services within
21 the terms of the policy of insurance, including the provision of
22 direct, diagnostic, preventive, or clinical services to
23 individuals, families, and groups whose functioning is threatened
24 or affected by social or psychological stress or health impairment,
25 if those services or procedures are scheduled in the policy, ~~[or]~~ a
26 licensed dietitian including a provisional licensed dietitian under
27 a licensed dietitian's supervision to provide the services that

1 fall within the scope of the license of that dietitian if those
2 services are scheduled in the policy, or a licensed hearing aid
3 fitter and dispenser to measure hearing to make selections,
4 adaptations, and sales of hearing aids if those services are
5 scheduled in the policy. The services of a certified social
6 worker--advanced clinical practitioner that are included in this
7 Act may require a professional recommendation by a doctor of
8 medicine or doctor of osteopathy unless the health insurance policy
9 terms do not require such a recommendation. The payment or
10 reimbursement by the insurance company, association, or
11 organization for those services or procedures in accordance with
12 the payment schedule or the payment provisions in the policy shall
13 not be denied because the same were performed by a licensed doctor
14 of podiatric medicine, a licensed doctor of optometry, a licensed
15 doctor of chiropractic, a licensed dentist, a licensed [an]
16 audiologist, a licensed speech-language pathologist, [or] a
17 certified social worker--advanced clinical practitioner, a licensed
18 dietitian, or a licensed hearing aid fitter and dispenser. There
19 shall not be any classification, differentiation, or other
20 discrimination in the payment schedule or the payment provisions in
21 a health insurance policy, nor in the amount or manner of payment
22 or reimbursement thereunder, between scheduled services or
23 procedures when performed by a doctor of podiatric medicine, a
24 doctor of optometry, a doctor of chiropractic, a licensed dentist,
25 a licensed [an] audiologist, a licensed speech-language
26 pathologist, [or] a certified social worker--advanced clinical
27 practitioner, a licensed dietitian, or a licensed hearing aid

1 fitter and dispenser which fall within the scope of his license or
2 certification and the same services or procedures when performed by
3 any other practitioner of the healing arts whose services or
4 procedures are covered by the policy. Any provision in a health
5 insurance policy contrary to or in conflict with the provisions of
6 this article shall, to the extent of the conflict, be void, but
7 such invalidity shall not affect the validity of the other
8 provisions of this policy. Any presently approved policy form
9 containing any provision in conflict with the requirements of this
10 Act shall be brought into compliance with this Act by the use of
11 riders and endorsements which have been approved by the State Board
12 of Insurance or by the filing of new or revised policy forms for
13 approval by the State Board of Insurance.

14 SECTION 3. This Act takes effect September 1, 1989, and
15 applies only to a health insurance policy that is delivered, issued
16 for delivery, or renewed on or after January 1, 1990. A health
17 insurance policy that is delivered, issued for delivery, or renewed
18 before September 1, 1989, is governed by the law that existed at
19 the time that the policy was delivered, issued for delivery, or
20 renewed, and that law is continued in effect for that purpose. A
21 health insurance policy that is delivered, issued for delivery, or
22 renewed after August 31, 1989, but before January 1, 1990, is
23 governed by the law that existed immediately before the effective
24 date of this Act and that law is continued in effect for that
25 purpose.

26 SECTION 4. The importance of this legislation and the
27 crowded condition of the calendars in both houses create an

1 emergency and an imperative public necessity that the
2 constitutional rule requiring bills to be read on three several
3 days in each house be suspended, and this rule is hereby suspended.

HOUSE COMMITTEE REPORT

89 MAY 18 AM 11:45

HOUSE OF REPRESENTATIVES

1st Printing

By Wentworth

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11 Dental Examiners;

12 Doctor of Chiropractic: One licensed by the Texas Board of
13 Chiropractic Examiners;

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15 ~~[State] Board [of Examiners in Optometry];~~

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22 ~~and-Hearing-Association];~~

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7 practitioner, a licensed doctor of optometry to perform the
8 services or procedures scheduled in the policy which fall within
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27 a licensed dietitian's supervision to provide the services that

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23 governed by the law that existed immediately before the effective
24 date of this Act and that law is continued in effect for that
25 purpose.

26 SECTION 4. The importance of this legislation and the
27 crowded condition of the calendars in both houses create an

1 emergency and an imperative public necessity that the
2 constitutional rule requiring bills to be read on three several
3 days in each house be suspended, and this rule is hereby suspended.

COMMITTEE AMENDMENT NO. 1

BY *W. W. W.*

1 Amend H.B. 2256 as follows:

2 On page 6, lines 3-5, strike "to measure hearing to make
3 selections, adaptations, and sales of hearing aids if those
4 services are scheduled in the policy." and substitute the
5 following:

6 "to perform the services or procedures scheduled in the
7 policy which fall within the scope of the license of that
8 practitioner. The services of a certified social
9 worker--advanced clinical practitioner and licensed hearing aid
10 fitter and dispenser that are included in this Act may require a
11 professional recommendation by a doctor of medicine or doctor of
12 osteopathy unless the health insurance policy terms do not
13 require such a recommendation."

COMMITTEE REPORT

The Honorable Gib Lewis
Speaker of the House of Representatives

May 11, 1989

(date)

Sir:

We, your COMMITTEE ON INSURANCE,

to whom was referred H.B. 2256 have had the same under consideration and beg to report
(measure)

back with the recommendation that it

do pass, without amendment.

do pass, with amendment(s).

do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.

A fiscal note was requested. yes no

An actuarial analysis was requested. yes no

An author's fiscal statement was requested. yes no

A criminal justice policy impact statement was prepared. yes no

A water development policy impact statement was requested. yes no

The Committee recommends that this measure be sent to the Committee on Local and Consent Calendars for placement on the Local, Consent, or Resolutions Calendar.

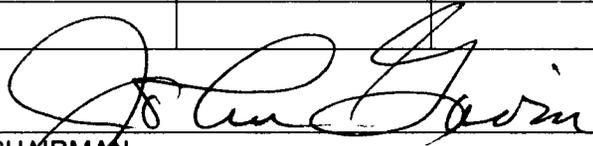
This measure proposes new law. amends existing law.

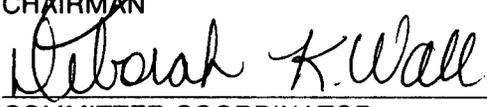
House Sponsor of Senate Measure _____

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Gavin, Ch.	x			
Shea, V.C.	x			
Cavazos, C.B.O.	x			
Brimer				x
Criss				x
Counts	x			
Taylor	x			
Thompson, S.	x			
Warner	x			

Total
7 aye
0 nay
0 present, not voting
2 absent



 CHAIRMAN


 COMMITTEE COORDINATOR

BILL ANALYSIS

Background

Under current law, audiologists are approved as practitioners for payment for services under the provisions of many policies. However, hearing and fitters and dispensers are not reimbursed by insurers for performing the same or similar procedures in relation to hearing aids.

Purpose

To add hearing aid fitters and dispensers to the list of those practitioners authorized for payment of services rendered if within the scope of their license and policy coverage.

Section By Section Analysis

SECTION 1: Article 3.70-2, Subsection B, Section 2, Texas Insurance Code, is amended.

B. Adds licensed Hearing Aid Fitter and Dispenser to those designated practitioners recognized under the article. Adds language to the definition of Audiologist which specifies one who is licensed by the State for Speech-Language Pathology and Audiology. Deletes previous certification required by the American Speech Language and Hearing Association. Adds language to the definition of Speech-Language Pathologist as one who is licensed by the State Committee of Examiners for Speech-Language Pathology and Audiology. Adds definition of Licensed Hearing Aid Fitter and Dispenser as one licensed in the Fitting and Dispensing of Hearing Aids.

SECTION 2: Article 21.52, Right to Select Practitioner Under Health and Accident Policies, Texas Insurance Code, Sections 1 and 3 are amended.

Sec. 1. Definitions.

- (f) Adds the State Committee of Examiners for Speech-Language Pathology and Audiology as a licensing authority to certify speech-language pathologists.
- (g) Adds the licensing authority for certifying speech-language pathologists.
- (j) Adds a definition of hearing aid fitter and dispenser.

Sec. 3. Selection of Practitioners.

Adds a licensed hearing aid fitter and dispenser to the list of practitioners authorized to perform certain procedures scheduled in the policy. It also adds requirements of licensing for audiologists and speech-language pathologists as well as hearing aid fitters and dispensers in order to be considered as approved providers of service under the policy.

SECTION 3: Effective Date

SECTION 4: Emergency Clause

Rulemaking Authority

It is the committee's opinion that this bill does not grant any additional rulemaking authority to a state officer, agency, department or institution.

Summary of Committee Action

Pursuant to a public notice posted in accordance with House Rules, H.B. 2256 was considered in a public hearing on May 3, 1989. Representative Wentworth explained the bill. Testifying in favor of the bill were: Ray Jones, Hearing Aid Sales, representing the Texas Hearing Aid Association; Dr. C.A. Braun, Retired Public School Administrator, representing himself; and Jack Mulhollan, Retired State Employee, representing himself. Not testifying but appearing to register in favor of the bill were the following persons: John Guerra, Hearing Aid Dispenser, representing himself; Gary A. Utley, Hearing Aid Fitter and Dispenser, representing himself; Curt G., Wallis, Hearing Aid Fitter and Dispenser, representing the Texas Hearing Aid Association; Jim Wilson, Executive Secretary, representing the Texas Hearing Aid Association; Blaine H. Smith, Hearing Aid Fitter and Dispenser representing Advanced Hearing Services;

Loretta Hampton, Hearing Aid Fitter and Dispenser, representing herself; Marvin L. Hampton, Hearing Aid Fitter and Dispenser, representing himself; Marvin Cockrell, Hearing Aid Fitter and Dispenser, representing himself; William M. Sanzone, Hearing Aid Dealer, representing himself; James E. Cearnal, Sr., Hearing Aid Dispenser, representing himself; Lionel H. Houston, Hearing Aid Dispenser, representing himself; Carrol Green, Hearing Aid Fitter and Dispenser, representing himself; Bert L. Farris, Hearing Aid Dispenser, representing himself. Testifying against the bill were: Robert W. Blevins, Executive Director, representing the Texas Life Insurance Association; Will D. Davis, Attorney, representing the Texas Legal Reserve Officials Association. Not testifying but appearing to register against the bill were the following persons; Kenneth Tooley, Association Director, representing the Texas Association of Life Underwriters; Ed Baxter, Vice President - Government Affairs, representing Blue Cross Blue Shield of Texas. By motion of the Chair and without objection, H.B. 2256 was referred to the Subcommittee on Life, Health and Accident.

Pursuant to a public notice posted in accordance with House Rules, the Subcommittee on Life, Health and Accident met in a formal meeting on May 10, 1989, Room 106 of the Reagan Building to consider H.B. 2256. The Chair laid out H.B. 2256. Representative Warner offered amendment No. 1. The amendment strikes the words "to measure hearing to make selections, adaptations, and sales of hearing aids if those services are scheduled in the policy," on page 6. lines 3-5 and substitutes the following: "to perform the services or procedures scheduled in the policy which fall within the scope of the license of that practitioner.....and licensed hearing aid fitter and dispenser.....". There being no objection, amendment No. 1 was adopted. The motion to favorably report H.B. 2256, as amended, to the full committee with the recommendation that it do pass prevailed by the following vote: 2 Ayes, 0 Nays, 0 Present Not Voting, 1 Absent.

During a public hearing on May 11, 1989, H.B. 2256 and the amendment adopted by the Subcommittee were considered. Representative Taylor explained the amendment to H.B. 2256 in the Subcommittee Report. There being no objection, the amendment was adopted. The motion to favorably report H.B. 2256, as amended, to the full House with the recommendation that it do pass prevailed by the following vote: 7 Ayes, 0 Nays, 0 Present Not Voting, 2 Absent.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

May 17, 1989

TO: Honorable John J. Gavin, Chair
Committee on Insurance
House of Representatives
Austin, Texas

In Re: House Bill No. 2256,
as amended
By: Wentworth

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on House Bill No. 2256, as amended (relating to the inclusion of the services of certain audiologists, speech-language pathologists, and fitters and dispensers of hearing aids in health insurance coverage) this office has determined the following:

No fiscal implication to the State or units of local government is anticipated.

Criminal Justice Policy Impact Statement: No change in the sanctions applicable to adults convicted of felony crimes is anticipated.

Source: Board of Insurance;
LBB Staff: JO, JWH, AL, JM, CKM

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

May 2, 1989

TO: Honorable John J. Gavin, Chair
Committee on Insurance
House of Representatives
Austin, Texas

In Re: House Bill No. 2256
By: Wentworth

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on House Bill No. 2256 (relating to the inclusion of the services of certain audiologists, speech-language pathologists, and fitters and dispensers of hearing aids in health insurance coverage) this office has determined the following:

No fiscal implication to the State or units of local government is anticipated.

Criminal Justice Policy Impact Statement: No change in the sanctions applicable to adults convicted of felony crimes is anticipated.

Source: Board of Insurance;
LBB Staff: JO, JWH, AL, JM, LV

COMMITTEE AMENDMENT NO. 1

BY *W. W. W.*

1 Amend H.B. 2256 as follows:

2 On page 6, lines 3-5, strike "to measure hearing to make
3 selections, adaptations, and sales of hearing aids if those
4 services are scheduled in the policy." and substitute the
5 following:

6 "to perform the services or procedures scheduled in the
7 policy which fall within the scope of the license of that
8 practitioner. The services of a certified social
9 worker--advanced clinical practitioner and licensed hearing aid
10 fitter and dispenser that are included in this Act may require a
11 professional recommendation by a doctor of medicine or doctor of
12 osteopathy unless the health insurance policy terms do not
13 require such a recommendation."

H. B. No. 2256

By Wentworth

A BILL TO BE ENTITLED

AN ACT

relating to the inclusion of the services of certain audiologists, speech-language pathologists, and fitters and dispensers of hearing aids in health insurance coverage.

MAR 9 1989

1. Filed with the Chief Clerk.

MAR 22 1989

2. Read first time and Referred to Committee on

Insurance

MAY 11 1989

3. Reported favorably ^(as amended) ~~(as substituted)~~ and sent to Printer at 8:15 p

MAY 17 1989

MAY 18 1989

4. Printed and distributed at 11:45 am

MAY 18 1989

5. Sent to Committee on Calendars at 3:37 pm

6. Read second time (amended); passed to third reading (failed) by (Non-Record Vote) (Record Vote of _____ yeas, _____ nays, _____ present, not voting).

7. Motion to reconsider and table the vote by which H.B. _____ was ordered engrossed prevailed (failed) by a (Non-Record Vote) (Record Vote of _____ yeas, _____ nays, and _____ present, not voting).

8. Constitutional Rule requiring bills to be read on three several days suspended (failed to suspend) by a four-fifths vote of _____ yeas, _____ nays, and _____ present, not voting.

9. Read third time (amended); finally passed (failed) by (Non-Record Vote) (Record Vote of _____ yeas, _____ nays, _____ present, not voting).

10. Caption ordered amended to conform to body of bill.

11. Motion to reconsider and table the vote by which H. B. _____ was finally passed prevailed (failed) by a (Non-Record Vote) (Record Vote of _____ yeas, _____ nays, and _____ present, not voting).

12. Ordered Engrossed at _____

13. Engrossed.

14. Returned to Chief Clerk at _____

15. Sent to Senate.

Chief Clerk of the House

16. Received from the House

17. Read, referred to Committee on _____

18. Reported favorably

19. Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

20. Ordered not printed.

21. Regular order of business suspended by (a viva voce vote.) (_____ yeas, _____ nays.)

_____ 22. To permit consideration, reading and passage, Senate and Constitutional Rules suspended by vote of _____ yeas, _____ nays.

_____ 23. Read second time _____ passed to third reading by:
(a viva voce vote.)
(_____ yeas, _____ nays.)

_____ 24. Caption ordered amended to conform to body of bill.

_____ 25. Senate and Constitutional 3-Day Rules suspended by vote of _____ yeas, _____ nays to place bill on third reading and final passage.

_____ 26. Read third time and passed by
(a viva voce vote.)
(_____ yeas, _____ nays.)

OTHER ACTION: OTHER ACTION:

Secretary of the Senate

_____ 27. Returned to the House.

_____ 28. Received from the Senate (with amendments.)
(as substituted.)

_____ 29. House (Concurred) (Refused to Concur) in Senate (Amendments) (Substitute) by a (Non-Record Vote) (Record Vote of _____ yeas, _____ nays, _____ present, not voting).

_____ 30. Conference Committee Ordered.

_____ 31. Conference Committee Report Adopted (Rejected) by a (Non-Record Vote) (Record Vote of _____ yeas, _____ nays, and _____ present, not voting).

_____ 32. Ordered Enrolled at _____

HOUSE OF REPRESENTATIVES

89 MAY 18 AM 11:45